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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SUZETTE A. KELLY, an individual;
and SARAHI FASHION HOUSE,
INC., a _Florida corporation,

Plaintiffs,

v.

FASHION NOVA, LLC, a California
corporation,

Defendant.

Case No. 2:23-cv-02360-JAK(RAOx)

**JOINT TRIAL WITNESS LIST AND
ESTIMATE FORM**

**TRIAL: March 4, 2025
COURTROOM: 10C**

JUDGE: *Honorable John A. Kronstadt*

Plaintiffs Suzette Kelly and Sarahi Fashion House, Inc. (“Plaintiffs”) and Defendant Fashion Nova, LLC (“Defendant”) hereby submit this identification of witnesses and testimony summary¹ pursuant to the Court’s Order Re Jury/Court Trial For Cases Assigned to Judge John A. Kronstadt (Dkt. #80) and Local Rule 16-5. An asterisk has been placed next to the names of witnesses whom the parties may call only if the need arises.

PLAINTIFFS’ WITNESSES (LIVE OR BY DEPOSITION):

1. Suzette A. Kelly

Brief Summary of Testimony: Plaintiff’s intellectual property, communications with Fashion Nova pre-litigation, Cease & Desist letter, patent infringement (U.S. D674,991 and U.S. D686,800), and trademark infringement - U.S. Registration No. 6996681, “*SARAH*,” willfulness, marketing, and damages.

2. Jean Clarke - Deposition Testimony on March 15, 2023

Brief Summary of Testimony: Role as Ms. Kelly’s seamstress who reduced the patented designs to practice.

3. Dr. Carol Galloway

Brief Summary of Testimony: Customer confusion as to the source of the jeans.

4. Asanyah Davidson (Expert)

Brief Summary of Testimony: Testimony regarding the opinions, and bases therefor, contained in her Declarations and Expert Reports, including e.g., opinions regarding novelty of the patented designs, infringement and validity of the Asserted Patents.

5. Alozie Etufugh, Esq. (Expert)

Brief Summary of Testimony: Patent prosecution histories, and trademark rights.

6. Roger Satur

¹ Each Party provided its own description of testimony, and thus neither Party waives any objection regarding the witnesses and scope of any proffered testimony.

Brief Summary of Testimony: Fashion Nova's Search Engine Optimization (SEO) practices for redirecting SARAHI customers to Fashion Nova's website.

7. **Ms. Sheri Duran**

Brief Summary of Testimony: Damages, Fashion Nova's marketing, advertising and sale of the Accused Products.

8. **Wendy Voong**

Brief Summary of Testimony: Fashion Nova's financials and damages.

DEFENDANT'S WITNESSES (LIVE):

9. **Daniel Saghian*²**

Brief Summary of Testimony: Fashion Nova's corporate representative. How Fashion Nova was founded and how the business is run. Fashion Nova's brand image, typical customer, factors that drive customer sales. Fashion Nova's vendor relationships.

10. **Sheri Duran***

Brief Summary of Testimony: Fashion Nova's brand image, trademarks, typical customer, factors that drive customer sales. Fashion Nova's buying team, process for sourcing and naming products. Fashion Nova's vendor relationships. Fashion Nova's sales, marketing and advertising. Prior art. Fashion Nova's Accused Product Measurement Disclosure(s). Information included in her 9/1/23 Declaration (Dkt. 145-6). Other company and product information from her 3/9/23 Deposition. Product appearance varies based on the size and shape of the individual wearing the product and individual styling.

11. **Representatives of Vendors³ Supplying the Accused Jeans***

Brief Summary of Testimony: Vendor relationship and the design,

² Plaintiffs dispute inclusion of Mr. Saghian as a witness since Plaintiffs contend that they first were apprised of him as a witness on **January 27, 2025**.

³ Pending the outcome of Defendants' forthcoming MILs (#1-#3) will determine which, if any, vendor representative may be called. Vendors who supplied the accused jeans were disclosed during discovery.

1 manufacture, and sale of the accused jeans. Measurements for the accused
2 jeans. Prior art.

3 **12. Trista Grieder* (Expert)**

4 Brief Summary of Testimony: Testimony regarding the opinions, and bases
5 therefor, contained in her 1/9/23, 1/17/23, and 6/17/23 Expert Reports. The
6 testimony will include opinions regarding the Asserted Patents (e.g., claim
7 construction, non-infringement, invalidity, and unenforceability) and the
8 asserted SARAHI trademark (e.g., non-infringement and no proof of any false
9 designation of origin). Testimony rebutting Plaintiffs' patent and trademark
10 claims, and Plaintiffs' Expert Declarations/Reports (e.g., 1/10/23 and 1/17/23
11 A. Davidson Declarations, 7/10/23 A. Davidson Expert Report, 2/14/23 A.
12 Etufugh Declaration, and 7/10/23 A. Etufugh Expert Report), including as
13 contained in Ms. Grieder's foregoing Expert Reports.

14 **13. Roger Satur***

15 Brief Summary of Testimony: Fashion Nova's digital marketing and product
16 tags, search engine optimization, use of technical systems and website data.

17 **14. Wendy Voong***

18 Brief Summary of Testimony: Testimony regarding income derived from the
19 sales of the accused garments, including issues related to gross sales, net sales,
20 gross margin, returns and deductible expenses.

21 **15. Brian Buss* (Expert)**

22 Brief Summary of Testimony: Testimony regarding the opinions, and bases
23 therefor, contained in his 6/23/23 Expert Report regarding Plaintiffs' alleged
24 damages. Testimony in rebuttal of any theory of damages offered by Plaintiffs
25 at trial, if permitted by the Court.

26 **16. Justin Sobaje***

27 Brief Summary of Testimony: Testimony regarding the content of the YouTube
28 videos that were intentionally deleted by Plaintiffs, the relevance of those

videos to Defendant’s invalidity and unenforceability positions, as well as Defendant’s attempts to obtain production of those videos from Plaintiffs, including the information in Mr. Sobaje’s 8/23/23 declaration (Dkt. 101-2) and 12/6/24 declaration (Dkt. 207-17).

Estimated Time for Testimony⁴

Name of the Witness	Estimated Time for Direct Exam	Estimated Time for Cross-Exam	Estimated Time for Re-Direct	Total Time
Plaintiffs’ Case in Chief⁵				
Suzette A. Kelly	2.0 hours	2.0 hours	1.0 hour	5.00 hours
Jean Clarke	0.50 hour	.50 hour	.25 hour	1.25 hour
Dr. Carol Galloway	1.0 hour	.50 hour	.25 hour	1.75 hours
Asanyah Davidson	1.5 hours	1.5 hours	.50 hour	3.5 hours
Alozie Etufugh, Esq.	0.5 hour	.5 hour	.25 hour	1.25 hours
Ms. Sheri Duran	0.5 hour	0 – 0.5 hour	n/a	.50 hour
Roger Satur	0.5 hour	0 – 0.5 hour	n/a	.50 hour
Wendy Voong	0.5 hour	0 – 0.5 hour	n/a	.50 hour
TOTAL				14.25–15.75 hours

⁴ Fashion Nova is filing multiple motions *in limine* to exclude evidence and testimony regarding the universe of accused jean products and regarding Plaintiffs’ infringement and damages contentions. Pending the outcome of those motions, Fashion Nova reserves the right to revise the time estimate for all witnesses, as do Plaintiffs.

⁵ Plaintiffs have filed, and are filing motions in limine to exclude testimony of Fashion Nova’s experts, Trista Grieder and Brian Buss respectively, regarding unreliable analysis and opinion based on insufficient/misstatement of facts. Pending the outcome of these motions, Plaintiffs reserve the right to revise the time estimate for all witnesses, as does Defendant. Plaintiffs dispute inclusion of Mr. Saghian as a witness since Plaintiffs contend that they first were apprised of him as a witness on **January 27, 2025**.

Defendant's Case in Chief

Name of the Witness	Estimated Time for Direct Exam	Estimated Time for Cross-Exam	Estimated Time for Re-Direct	Total Time
Daniel Saghian	1.5-2.0 hours	.50 hour	.50-1.0 hour	2.5-3.5 hours
Sheri Duran	1.5-2.0 hours	.50 hour	.50-1.0 hour	2.5-3.5 hours
Representatives of Vendors Supplying the Accused Jeans	1.0-2.0 hours	.75 hour	.50-1.0 hour	2.25-3.75 hours
Trista Grieder	5.0-6.0 hours	1.0 hour	.50-1.0 hour	6.5-8.0 hours
Roger Satur	0.0-.50 hour	.25 hour	.25-.50 hour	0.0-1.50 hour
Wendy Voong	0.0-.50 hour	.25 hour	.25-.50 hour	0.0-1.25 hour
Brian Buss	1.5-2.0 hours	.50 hour	.50-1.0 hour	2.5-3.5 hours
Justin Sobaje	.50-1.5 hours	.50 hour	.25-.50 hour	1.25-2.5 hours
TOTAL				17.5-27.5 hours

TOTAL TIME FOR ALL WITNESSES: 31.75-43.25 HOURS

Respectfully submitted,

CAROL GREEN VON KAUL, P.A.

Dated: January 27, 2025

By: /s/ Carol Green von Kaul (with permission)
Carol Green von Kaul, Esq. (*Pro Hac Vice*)
Attorneys for Plaintiffs,
SUZETTE A. KELLY and SARAHI
FASHION HOUSE, INC.

ADLI LAW GROUP, P.C.

Dated: January 27, 2025

By: /s/ Dariush G. Adli (with permission)
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/s/ Kelsey C. Boehm

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Attorneys for **FASHION NOVA, LLC**

ATTESTATION UNDER LOCAL RULE 5-4.3.4

I, Kelsey C. Boehm, am the ECF User whose ID and password are being used to file this Joint Trial Witness List. In compliance with Local Rules 5-4.3.4(a)(2), I hereby attest that Plaintiffs' Counsel Carol Green von Kaul and Dariush G. Adli have concurred in this filing.

DATED: January 27, 2025

/s/ Kelsey C. Boehm

/s/ Kelsey C. Boehm